

and Regulatory Affairs, Office of Management and Budget (Attention: Desk Officer for Federal Energy Regulatory Commission), Washington, D.C. 20503.

VIII. Dates

This final rule will apply on January 1, 1995 for the change establishing the minimum filing for Form 6 and the requirement that exempted pipelines annually prepare and file page 700 of Form 6. The change to the annual charges regulations will apply on November 13, 1995 for fiscal year 1996.

List of Subjects

18 CFR Part 357

Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 382

Administrative practice and procedure, Electric utilities, Pipelines, Reporting and recordkeeping requirements.

By the Commission.
Lois D. Cashell,
Secretary.

In consideration of the foregoing, parts 357 and 382, chapter I, title 18, Code of Federal Regulations, are amended as set forth below.

PART 357—ANNUAL SPECIAL OR PERIODIC REPORTS: CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

1. The authority citation for part 357 is revised to read as follows:

Authority: 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

2. Section 357.2 is revised to read as follows:

§ 357.2 FERC Form No. 6, Annual Report of Oil Pipeline Companies.

Each pipeline carrier subject to the provisions of section 20 of the Interstate Commerce Act whose annual jurisdictional operating revenues has been more than \$350,000 for each of the three previous calendar years must prepare and file with the Commission copies of FERC Form No. 6, "Annual Report of Oil Pipeline Companies," pursuant to the General Instructions set out in that form. This report must be filed on or before March 31st of each year for the previous calendar year. Newly established entities must use projected data to determine whether FERC Form No. 6 must be filed. One copy of the report must be retained by the respondent in its files. The conformed copies may be produced by any legible means of reproduction.

Notwithstanding the exemption provided above, those carriers exempt from filing Form No. 6 must prepare and file page 700, "Annual Cost of Service Based Analysis Schedule," of FERC Form No. 6 on or before March 31 of each year for the previous calendar year, beginning with the year ending December 31, 1995. When submitting page 700, each exempt carrier must submit page 1 of Form No. 6, the Identification and Attestation schedules.

PART 382—ANNUAL CHARGES

3. The authority citation for part 382 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

4. Section 382.102(c) is revised to read as follows:

§ 382.102 Definitions.

* * * * *

(c) *Oil pipeline company* means any person engaged in the transportation of crude oil and petroleum products subject to the Commission's jurisdiction under the Interstate Commerce Act with annual operating revenues greater than \$350,000 in any of the three calendar years immediately preceding the fiscal year for which the Commission is assessing annual charges.

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[FR Doc. 95–25096 Filed 10–11–95; 8:45 am]
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INTERNATIONAL TRADE COMMISSION

19 CFR Part 210

Final Rulemaking Concerning Federal Register Notices and Service of Documents on Other Agencies

AGENCY: International Trade Commission.

ACTION: Final rulemaking.

SUMMARY: The Commission hereby revises certain final rules for investigations and related proceedings under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The revisions are intended to increase the economy and efficiency of the section 337 process by eliminating the Federal Register publication requirement for certain notices that are not required by law and reducing the number of documents served on other agencies pursuant to section 337(b)(2).

DATES: In accordance with the 30-day advance publication requirement

imposed by 5 U.S.C. 553(d), the effective date of these revised rules is November 13, 1995.

FOR FURTHER INFORMATION CONTACT: P.N. Smithy, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3061. Hearing-impaired individuals can obtain information concerning the proposed rulemaking by contacting the Commission's TDD terminal at 202–205–1810.

SUPPLEMENTARY INFORMATION:

Background

In Audit Report No. IG–03–94, Review of Ways to Increase the Economy and Efficiency of the Process for Conducting Section 337 Investigations (Aug. 19, 1994), the Inspector General (IG) recommended that the Commission cease publication of section 337 Federal Register notices that are not required by law. The IG also recommended that the Commission cease routinely serving various section 337 documents on other Federal agencies.

The Commission subsequently made a policy decision to halt publication of many, but not all, notices that are not required by law. The Commission also decided that fewer documents should be served on other agencies.

To implement the proposed changes on an interim basis, Chairman Peter S. Watson issued administrative orders suspending the relevant Commission interim and final rules. See Administrative Orders 95–11 and 95–12 (Mar. 21, 1995). The Chairman also sent letters announcing the interim and proposed permanent publication and distribution changes to interested Federal agencies. To obtain comments from the public, the Commission published a notice of proposed rulemaking in the Federal Register.¹ 60 FR 16082 (Mar. 29, 1995) (the March 29, 1995 Notice).

The Comments

The Commission received comments from the U.S. Department of Justice and the International Trade Commission Trial Lawyers Association (ITCTLA). The Justice Department expressed approval of the Commission's plan for reducing the number of documents served on other agencies. Justice also endorsed having section 337 documents available through the Internet.

The ITCTLA commented that having section 337 notices and other section 337 documents available on the

¹ See the Commission's March 25, 1995 notice for a complete discussion of the purpose and effect of the rulemaking changes adopted herein.

Internet, LEXIS, and/or WESTLAW was not an acceptable alternative to publishing notices in the Federal Register. The ITCTLA also commented that the Commission should continue to publish a Federal Register notice whenever it takes the following actions:

1. Determines whether to review an initial determination (ID) on a matter other than temporary relief, regardless of whether that determination results in termination of the investigation in its entirety;

2. Determines to deny a motion for temporary relief; or

3. Institutes proceedings to modify or rescind final Commission action.

The ITCTLA argued that the Commission should continue to publish notice of its decisions on whether to review IDs on matters other than temporary relief, because such decisions (1) Often contain valuable information regarding Commission policy and practice on specific legal issues, (2) may have substantial precedential value, and (3) may be dispositive of certain aspects of the investigation. The ITCTLA urged the Commission to continue publishing notice of Commission decisions to deny temporary relief because (1) Such decisions have precedential value, and (2) the Federal Register is the source most likely to be relied upon by nonparties with an interest in the goods and/or the legal questions at issue. Finally, the ITCTLA advocated publication of notices of the institution of proceedings to modify or rescind final Commission action, because (1) The Commission's final action in such proceedings could disturb the status quo, (2) nonparties with an interest in the goods should therefore have prompt notice of the proceedings, and (3) nonparties are more likely to review the Federal Register than they are to monitor the Commission's docket or to be on the Commission's mailing list.

The Commission's Decisions

After considering the foregoing comments, the Commission has unanimously decided to permanently adopt the plan for reducing the number of section 337 documents served on other agencies, as described in the proposed rules published on March 29, 1995, Administrative Order 95-11, and the Chairman's letters to other agencies.

The Commission also has decided to permanently adopt the plan for reducing the number of section 337 notices published in the March 29, 1995 Notice, with the exception of proposed rule 210.75(b) as discussed below. Publication costs have increased significantly, while the Commission's resources have decreased. The

Commission also has not received any indication that the reduction in the number of section 337 notices published already implemented by administrative order in March has caused significant problems for parties, the Commission staff, or the public. As noted below, section 337 notices are available through alternative sources, including the Internet. If the plan as adopted should cause problems in the future, the Commission will revisit its publication practice as needed.

To implement the Commission's decision regarding the publication of Federal Register notices and the service of documents on other agencies, Chairman Watson has issued Administrative Orders 95-18 and 95-19 (Oct. 4, 1995). Chairman Watson has also sent letters announcing the Commission's decisions to the Justice Department, the U.S. Customs Service, the Federal Trade Commission, and the U.S. Department of Health and Human Services.

Like the rule suspensions imposed by Administrative Orders 95-11 and 95-12, the suspensions imposed in Administrative Orders 95-18 and 95-19 apply to the 1994 interim section 337 rules² as well as the final rules.³ Administrative Orders 95-18 and 95-19 both state that the suspension of each final rule terminates on the effective date of an amended or revised rule eliminating the Federal Register notice requirement or the document service requirement from the suspended final rule.

Administrative Orders 95-18 and 95-19 also provide that the Commission's suspension of the relevant 1994 interim rules is to remain in effect permanently, unless the suspensions are rescinded by a future administrative order. Permanent suspension is appropriate because it was not practicable for the Commission to revise the subject interim rules. Those rules were codified in the 1994 edition of 19 CFR parts 210 and 211. The rules currently codified in the 1995 edition of 19 CFR part 210 are final rules which replaced the 1994 interim rules in parts 210 and 211.⁴ The 1994 interim rules remain in effect, however, and apply to any pending investigation or related proceeding that was instituted before September 1, 1994.⁵

² 19 CFR parts 210 and 211 (1994).

³ 19 CFR part 210 (1995), as amended at 60 FR 32442 (June 22, 1995).

⁴ See 59 FR 39020, Part II (Aug. 1, 1994), as corrected by 59 FR 64286 (Dec. 14, 1994) and as amended by 59 FR 67622 (Dec. 30, 1994) and 60 FR 32442 (June 22, 1995).

⁵ See 59 FR 39020.

Availability of Section 337 Notices

Copies of section 337 notices may be reviewed in several locations on the Commission's premises at 500 E Street, SW., Washington, DC 20436. For example, all notices (and other nonconfidential documents on the records of section 337 investigations) may be inspected in the Dockets Branch of the Office of the Secretary (Room 112-A). The notices are located in the public inspection file for the investigation to which the notice or document pertains. Copies may be ordered from the Dockets Branch as well. For further information, contact Ruby J. Dionne, Assistant Secretary and Dockets Branch Chief, telephone 202-205-1802.

Copies of recently issued notices—and news releases concerning the institution of section 337 investigations—also may be obtained from bins along the wall outside of the Dockets Branch.

Section 337 notices that are published in the Federal Register can be reviewed in the Commission's Law Library (Room 614) and the Commission's National Library of International Trade (Room 300).⁶ In light of the Commission's decision to reduce the number of notices published in the Federal Register, unpublished notices will be available in the Law Library as well.

Interested persons should also be aware that the Commission has established an Internet site and that a web server and a file transfer protocol (FTP) server are now available for public access. All section 337 notices are now being posted, but only for the duration of the investigations or related proceedings in which the notices were issued. To access the Commission web server, users should enter <http://www.usitc.gov>. To access the Commission FTP server, users should enter <ftp://ftp.usitc.gov>. Information available for downloading from the Commission FTP server mirrors the web server.

The Commission notes finally that some section 337 notices also may be available in the LEXIS and/or WESTLAW databases.

⁶ The Law Library maintains paper copies of section 337 Federal Register notices in binders. All notices issued in a particular investigation are placed together in chronological order. The Law Library also keeps paper copies of all issues of the Federal Register for the current year. The National Library of International Trade maintains paper copies of the Federal Register for the current year and microfiche or microfilm copies of the issues for all preceding years.

Section-by-Section Analysis of the Revised Rules

The revised rules which the Commission has adopted in this notice are the same as the proposed rules published in the March 29, 1995 Notice—with one difference: The Commission has not adopted proposed rule 210.75(b). The preamble to the revised rules accordingly consists of (1) The commentary in the present notice and (2) the commentary preceding the proposed rules in the March 29, 1995 Notice, except for the reference to proposed rule 210.75(b).

Proposed rule 210.75(b) was inadvertently included in the March 29, 1995 Notice. The Commission had decided to continue publishing notices of enforcement proceedings, as stated in Administrative Order 95-12. Administrative Order 95-18 provides that the Commission will continue to publish such notices.

A proposal for revising final rule 210.76(b) to eliminate the Federal Register notice requirement for the action to be taken upon receipt of a petition for modification or rescission of a remedial order or a consent order was inadvertently omitted from the March 29, 1995 Notice. That provision of rule 210.76(b) was suspended under Administrative Order 95-12, however. It remains suspended under Administrative Order 95-18. A proposed revision of rule 210.76(b) will be published at a later date for public comment.

Regulatory Analysis

The revised rules adopted in this notice do not meet the criteria enumerated in section 3(f) of Executive Order 12866,⁷ and therefore do not constitute a significant regulatory action for purposes of that Executive Order.

In accordance with the Regulatory Flexibility Act,⁸ the Commission certifies⁹ that the revised rules pertaining to the service of documents on other Federal agencies are not likely to have a significant economic impact on a substantial number of small business entities. The rules in question relate solely to the service of documents by the Commission, not by parties or other interested persons that may or may not be small business entities.

The Commission also certifies that the revised rules on the publication of Federal Register notices are not likely to have a significant economic impact on a substantial number of small business entities. Small businesses (and other

firms) that are parties to a section 337 investigation or a related proceedings are served with copies of all notices issued by the presiding administrative law judge or the Commission, regardless of whether the notice will or will not be published in the Federal Register.

Elimination of the Federal Register publication requirement for certain kinds of notices also should not have a significant economic impact on a substantial number of small business entities that are not parties but have an interest in a particular investigation or related proceeding. The Commission notes first that only certain investigations or related proceedings are likely to be of interest to a nonparty firm. Moreover, some of the Federal Register notices that are being eliminated by the revised rules and suspended by Administrative Order 95-18 pertain to events that occur infrequently (e.g. a request for the modification of consent order reporting requirements or the institution of proceedings for the modification or rescission of a remedial order or a consent order). If a nonparty small business entity is interested in a particular investigation or in post-investigation developments that result in the institution of a related proceeding,¹⁰ the firm can obtain such information and copies of the relevant notice or other document by calling or writing the Commission's staff or by visiting the Commission's premises. Copies of such notices also may be accessible through the Commission's Internet server, as described above in this notice.

In any event, the Commission maintains that the Regulatory Flexibility Act is inapplicable to this rulemaking, because it is not one for which a notice of proposed rulemaking was required under 5 U.S.C. 553(b) or another statute.¹¹ Though the Commission chose to publish such a notice on March 29, 1995, the revised rules are "agency rules of procedure or practice" and thus were exempt from the notice requirement imposed by 5 U.S.C. 553(b).

List of Subjects in 19 CFR Part 210

Administrative practice and procedure, Advisory opinions, Business and industry, Customs duties and inspection, Imports, Investigations.

For the reasons set forth in the preamble, the U.S. International Trade Commission hereby revises part 210 of

title 19 of the Code of Federal Regulations as follows:

PART 210—ADJUDICATIVE PROCEDURES

1. The authority citation for part 210 continues to read as follows:

Authority: 19 U.S.C. 1333, 1335, and 1337.

2. Section 210.7 is revised to read as follows:

§ 210.7 Service of process and other documents; publication of notices.

(a) *Manner of service.* The service of process and all documents issued by or on behalf of the Commission or the administrative law judge—and the service of all documents issued by parties under §§ 210.27 through 210.34 of this part—shall be in accordance with § 201.16 of this chapter, unless the Commission, the administrative law judge, or another section of this part specifically provides otherwise.

(b) *Publication of notices.* (1) Notice of action by the Commission or an administrative law judge will be published in the Federal Register only as specifically provided in paragraph (b)(2) of this section, by another section in this chapter, or by order of an administrative law judge or the Commission.

(2) When an administrative law judge or the Commission determines to amend or supplement a notice published in accordance with paragraph (b)(1) of this section, notice of the amendment will be published in the Federal Register.

3. Paragraph (a) of § 210.11 is revised to read as follows:

§ 210.11 Service of complaint and notice of investigation.

(a)(1) Notwithstanding the provisions of § 210.54 requiring service of the complaint by the complainant, the Commission, upon institution of an investigation, shall serve copies of the complaint and the notice of investigation (and any accompanying motion for temporary relief) upon each respondent and the embassy in Washington, DC of the government of each foreign country represented by each respondent. All respondents named after an investigation has been instituted and the governments of the foreign countries they represent shall be served as soon as possible after the respondents are named.

(2) The Commission shall serve copies of the notice of investigation upon the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service, and such other

⁷ 58 FR 51735, Oct. 4, 1993.

⁸ 5 U.S.C. 601 note.

⁹ Pursuant to 5 U.S.C. 605(b).

¹⁰ The terms "investigation" and "related proceedings" are defined in final rule 210.3 (19 CFR 210.3) (1995).

¹¹ See 5 U.S.C. 603(a).

agencies and departments as the Commission considers appropriate.

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4. Paragraphs (b)(2), (c)(2)(i), (c)(2)(ii), and (d) of § 210.21 are revised to read as follows:

§ 210.21 Termination of investigations.

* * * * *

(b) *Termination by Settlement.* * * *

(2) The motion and agreement(s) shall be certified by the administrative law judge to the Commission with an initial determination if the motion for termination is granted. If the licensing or other agreement or the initial determination contains confidential business information, copies of the agreement and initial determination with confidential business information deleted shall be certified to the Commission simultaneously with the confidential versions of such documents. Notice of the initial determination and the agreement shall be provided to the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service, and such other departments and agencies as the Commission deems appropriate. If the Commission's final disposition of the initial determination results in termination of the investigation in its entirety, a notice will be published in the Federal Register. An order of termination by settlement need not constitute a determination as to violation of section 337 of the Tariff Act of 1930.

(c) *Termination by entry of consent order.* * * *

(2) *Commission disposition of consent order.* (i) If an initial determination granting the motion for termination based on a consent order stipulation is filed with the Commission, notice of the initial determination and the consent order stipulation shall be provided to the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service, and such other departments and agencies as the Commission deems appropriate.

(ii) The Commission, after considering the effect of the settlement by consent order upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, shall dispose of the initial determination according to the procedures of §§ 210.42 through 210.45. If the Commission's final disposition of the initial determination results in termination of the investigation in its entirety, a notice will be published in the Federal

Register. An order of termination by consent order need not constitute a determination as to violation of section 337. Should the Commission reverse the initial determination, the parties are in no way bound by their proposal in later actions before the Commission.

* * * * *

(d) *Termination based upon arbitration agreement.* Upon filing of a motion for termination with the administrative law judge or the Commission, a section 337 investigation may be terminated as to one or more respondents pursuant to section 337(c) of the Tariff Act of 1930 on the basis of an agreement between complainant and one or more of the respondents to present the matter for arbitration. The motion and a copy of the arbitration agreement shall be certified by the administrative law judge to the Commission with an initial determination if the motion for termination is granted. If the agreement or the initial determination contains confidential business information, copies of the agreement and initial determination with confidential business information deleted shall be certified to the Commission with the confidential versions of such documents. A notice will be published in the Federal Register if the Commission's final disposition of the initial determination results in termination of the investigation in its entirety. An order of termination based on an arbitration agreement does not constitute a determination as to violation of section 337 of the Tariff Act of 1930.

* * * * *

5. Section 210.41 is revised to read as follows:

§ 210.41 Termination of investigation.

Except as provided in § 210.21 (b)(2), (c), and (d), an order of termination issued by the Commission shall constitute a determination of the Commission under § 210.45(c). The Commission shall publish in the Federal Register notice of each Commission order that terminates an investigation in its entirety.

6. Paragraphs (e) and (i) of § 210.42 are amended to read as follows:

§ 210.42 Initial determinations.

* * * * *

(e) *Notice to and advice from other departments and agencies.* Notice of each initial determination granting a motion for termination of an investigation in whole or part on the basis of a consent order or a settlement, licensing, or other agreement pursuant to § 210.21 of this part, and notice of

such other initial determinations as the Commission may order, shall be provided to the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service, and such other departments and agencies as the Commission deems appropriate. The Commission shall consider comments, limited to issues raised by the record, the initial determination, and the petitions for review, received from such agencies when deciding whether to initiate review or the scope of review. The Commission shall allow such agencies 10 days after the service of an initial determination to submit their comments.

* * * * *

(i) *Notice of determination.* A notice stating the Commission's decision on whether to review an initial determination will be issued by the Secretary and served on the parties. Notice of the Commission's decision will be published in the Federal Register if the decision results in termination of the investigation in its entirety.

7. Paragraph (d)(3) of § 210.43 is revised to read as follows:

§ 210.43 Petitions for review of initial determinations on matters other than temporary relief.

* * * * *

(d) * * *

(3) The Commission shall grant a petition for review and order review of an initial determination or certain issues therein when at least one of the participating Commissioners votes for ordering review. In its notice, the Commission shall establish the scope of the review and the issues that will be considered and make provisions for filing of briefs and oral argument if deemed appropriate by the Commission. If the notice solicits written submissions from interested persons on the issues of remedy, the public interest, and bonding in addition to announcing the Commission's decision to grant a petition for review of the initial determination, the notice shall be served by the Secretary on all parties, the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, the U.S. Customs Service, and such other departments and agencies as the Commission deems appropriate.

8. Paragraph (c) of § 210.45 is revised to read as follows:

§ 210.45 Review of initial determinations on matters other than temporary relief.

* * * * *

(c) *Determination on review.* On review, the Commission may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, the initial determination of the administrative law judge. The Commission also may make any findings or conclusions that in its judgment are proper based on the record in the proceeding. If the Commission's determination on review terminates the investigation in its entirety, a notice will be published in the Federal Register.

9. Paragraphs (d) and (f) of § 210.66 are revised to read as follows:

§ 210.66 Initial determination concerning temporary relief; Commission action thereon.

* * * * *

(d) Notice of the initial determination shall be served on the other agencies listed in § 210.50(a)(2). Those agencies will be given 10 calendar days from the date of service of the notice to file comments on the initial determination.

* * * * *

(f) If the Commission determines to modify, reverse, or set aside the initial determination, the Commission will issue a notice and, if appropriate, a Commission opinion. If the Commission does not modify, reverse, or set aside the administrative law judge's initial determination within the time provided under paragraph (b) of this section, the initial determination will automatically become the determination of the Commission. Notice of the Commission's determination concerning the initial determination will be issued on the statutory deadline for determining whether to grant temporary relief, or as soon as possible thereafter, and will be served on the parties. Notice of the determination will be published in the Federal Register if the Commission's disposition of the initial determination has resulted in a determination that there is reason to believe that section 337 has been violated and a temporary remedial order is to be issued. If the Commission determines (either by reversing or modifying the administrative law judge's initial determination, or by adopting the initial determination) that the complainant must post a bond as a prerequisite to the issuance of temporary relief, the Commission may issue a supplemental notice setting forth conditions for the bond if any (in addition to those outlined in the initial determination) and the deadline for filing the bond with the Commission.

10. Paragraph (b) of § 210.74 is revised to read as follows:

§ 210.74 Modification of reporting requirements.

* * * * *

(b) *Consent orders.* Consistent with the standards set forth in paragraph (a) of this section, the Commission may modify reporting requirements of consent orders. The Commission shall serve notice of any proposed change, together with the reporting requirements to be modified and the reasons therefor, on each party subject to the consent order. Such parties shall be given the opportunity to submit briefs to the Commission, and the Commission may hold a hearing on the matter. Notice of any proposed change in the reporting requirements will be published in the Federal Register if the Commission determines to solicit public comment on the proposed change.

Issued: October 4, 1995.

By Order of the Commission.

Donna R. Koehnke,

Secretary.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[DEA-112I]

RIN 1117-AA35

Provisional Exemption From Registration for Certain List I Chemical Handlers; Extension

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Interim rule.

SUMMARY: DEA is amending its regulations to extend the temporary exemption from the chemical registration requirements from October 6, 1995 to November 13, 1996. DEA has become aware that many persons who are subject to the chemical registration requirement were unaware that they were required to submit their applications prior to the October 5, 1995 deadline for applying for registration. Persons failing to meet that deadline would have been required by law to cease all distributions, imports, or exports of List I chemicals until they had obtained a registration. In order to avoid interruption of domestic and international commerce in List I chemicals, DEA is extending the temporary exemption from the registration requirement for the additional period to allow affected

persons sufficient time to make application for registration.

EFFECTIVE DATE: October 12, 1995. The new deadline for submitting an application for registration is November 13, 1995.

FOR FURTHER INFORMATION CONTACT: F. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-4025.

SUPPLEMENTARY INFORMATION: The Domestic Chemical Diversion Control Act of 1993 (DCDCA) became effective on April 16, 1994. One of the primary requirements of the DCDCA is that any person who manufactures, distributes, imports or exports a list I chemical shall obtain an annual registration from DEA for each location where such activities are carried out. DEA, recognizing that the regulations to implement the requirements of the DCDCA might not be finalized prior to April 16, 1994, published an Interim Rule in the Federal Register on March 24, 1994, (59 FR 13881) adding a new § 1310.09 to Title 21, Code of Federal Regulations (21 CFR), part 1310, granting a temporary exemption from the chemical registration requirements for any person who submitted an application for registration within 45 days following the effective date of the chemical registration regulations. The chemical registration regulations became effective on August 21, 1995, and the deadline for submitting an application and maintaining the temporary exemption from the registration requirement was October 5, 1995.

It has come to DEA's attention that, despite substantial efforts to provide notice to chemical handlers, including communications with the national associations representing the chemical industry, direct contacts with chemical manufacturers and distributors, and references to the new requirements in industry newsletters, there may be a significant number of persons subject to the registration requirement who have not yet submitted an application for registration. Under the existing requirements regarding chemical registration, such persons would not be authorized to distribute, import, or export a List I chemical; they would have to cease all such activities until they had applied for and received their DEA registrations. In the interest of avoiding a possible disruption of legitimate commerce that enforcement of the requirements might cause at this time and to allow chemical handlers additional opportunity to comply with the new registration requirements, DEA